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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-4887

XIA YUE CHEN,

Petitioner

v.

ALBERTO R. GONZALES, ATTORNEY GENERAL OF THE UNITED STATES

Respondent

On Petition for Review from the Board of Immigration Appeals
Agency No. A78-746-838

Submitted Under Third Circuit LAR 34.1(a): January 13, 2005

Before: SCIRICA,* *Chief Circuit Judge*, ROTH,
Circuit Judge, and IRENAS,** *Senior District Judge*.

* This case was originally submitted to the three judge panel of Roth, Chertoff and Irenas. Judge Chertoff subsequently resigned and Chief Judge Scirica was designated as the third member of the panel.

** Honorable Joseph E. Irenas, Senior United States District Judge for the District of New Jersey, sitting by designation.

ORDER VACATING OPINION

ROTH, Circuit Judge

IT IS ORDERED that the Not Precedential Opinion in the above case filed July 21, 2005, be vacated.

By the Court,

/s/ Jane R. Roth
Circuit Judge

Dated: December 29, 2005
CMH/cc: NKWW, MJC, DEG, JLL, JDW